

Previous s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-LFS/29	“C/R” on draft Lau Fau Shan & Tsim Bei Tsui OZP No. S/YL-LFS/2	Temporary open storage of construction material (1 year)	14.8.1998 (1 year)	1, 2, 3, 4, 7, 12
2.	A/YL-LFS/49	“C/R” on draft Lau Fau Shan & Tsim Bei Tsui OZP No. S/YL-LFS/2	Temporary open storage of construction material (1 year)	3.3.2000 (1 year)	1, 2, 3, 4, 7
3.	A/YL-HT/1039	“CDA” on Approved Ha Tsuen OZP No. S/YL-HT/10 & “C/R” on approved Lau Fau Shan & Tsim Bei Tsui OZP No. S/YL-LFS/7	Proposed temporary warehouse with ancillary site office (3 years)	12.8.2016 (3 year) (revoked on 12.2.2018)	1, 2, 3, 4, 5, 6, 8, 9, 10, 11

Approval Conditions:

- 1 The submission and implementation of landscaping and/or tree preservation proposals.
- 2 The submission of drainage proposals; and/or provision of drainage facilities; and/or submission of a condition record of the existing drainage facilities on-site; and/or flood mitigation.
- 3 The provision of paving and/or fencing.
- 4 Reinstatement clause.
- 5 Revocation clauses.
- 6 No night-time operation and no operation on Sundays and public holidays.
- 7 The stacking height of containers/materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
- 8 The maintenance of the drainage facilities on the site.
- 9 The submission and implementation of run-in/run-out proposal(s).
- 10 The provision of a 9-litres water type/3kg dry powder fire extinguisher and/or the submission and provision of FSIs.
- 11 No vehicle queuing was allowed to queue back to or reverse onto/from the public road at any time.
- 12 The provision of vehicular access.

Rejected Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1.	A/YL-LFS/71	“C/R” on draft Lau Fau Shan & Tsim Bei Tsui OZP No. S/YL-LFS/5	Temporary open storage of construction materials (mainly steel scaffolding racks) (3 years)	20.7.2001	1
2.	A/YL-LFS/89	“C/R” on draft Lau Fau Shan & Tsim Bei Tsui OZP No. S/YL-LFS/5	Temporary open storage of construction materials (mainly steel scaffolding racks) (1 year)	13.9.2002	1
3.	A/YL-LFS/140	“C/R” on approved Lau Fau Shan & Tsim Bei Tsui OZP No. S/YL-LFS/7	Temporary logistic centre of construction materials, and machinery and vehicle repair workshop (3 years)	9.6.2006 (TPB)	1, 2

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4.	A/YL-LFS/148	"C/R" on approved Lau Fau Shan & Tsim Bei Tsui OZP No. S/YL-LFS/7	Temporary logistic centre and parking of trailer (3 years)	18.8.2006	1, 2
5.	A/YL-LFS/152	"C/R" on approved Lau Fau Shan & Tsim Bei Tsui OZP No. S/YL-LFS/7	Proposed temporary recycled materials collection centre (3 years)	3.11.2006	1, 2
6.	A/YL-LFS/160	"C/R" on approved Lau Fau Shan & Tsim Bei Tsui OZP No. S/YL-LFS/7	Proposed temporary environmental educational centre (3 years)	10.8.2007	1, 3, 4
7.	A/YL-LFS/244	"C/R" on approved Lau Fau Shan & Tsim Bei Tsui OZP No. S/YL-LFS/7	Temporary open storage and sales of construction metals with ancillary workshop and heavy vehicle park (transportation for metals) (3 years)	10.5.2013 (TPB)	2, 4, 5

Rejection Reason:

1. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse drainage and/or visual and/or environmental impacts on the area/ surrounding areas.
2. The proposed development was not in line with Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that there were adverse departmental comments from concerned Government departments on environmental drainage and landscape aspects.
3. There were adverse departmental comments from concerned Government departments on environmental and drainage aspects.
4. The proposed development was not compatible with the residential dwellings/development to its west and southwest and the tourist spot of seafood market and restaurants of Lau Fau Shan to its northwest.
5. The development was not compatible with planning intention of the "C/R" zone, even on a temporary basis.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (c) shorter compliance period is imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further applications;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The lot owners will need to apply to his office to permit the structures to be erected or to regularize any irregularity on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD. The Site is accessible from Lau Fau Shan Road through private lot. His office does not guarantee any right-of-way to the Site;
- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring spaces shall be provided within the Site. No vehicle is allowed to queue back to public road or reverse onto/from the public road;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Lau Fau Shan Road;
- (g) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorised building works (UBW) under the Buildings Ordinance (BO). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. The Site does not abut on a specified street of not less than 4.5m wide

and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (i) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant should submit relevant layout plans incorporated with the proposed FSIs to him for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) or relevant licensing requirements, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (j) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD) that the Site falls within the boundary of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA, formerly known as HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within a site under Stage 4 Works in the latest programme of the HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK/HT NDA expected in 2024.